IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE A. GOPALA REDDY

W.P. No. 16635 OF 2005

Date:23.01.2006

BETWEEN:

1. Dega Seethamma and others.

…. PETITIONERS

Vs.

1. The Special Deputy Collector, Land Acquisition, Srisailam Project, Kurnool District.

…. RESPONDENTS

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P. No. 16635 OF 2005

ORAL ORDER:

The petitioners, who are residents of Sathanikota village and Chabolu village, and whose lands were acquired under the provisions of the Land Acquisition Act, invoked the original jurisdiction of this Court under Article 226 of Constitution of India for readjudication of O.Ps. filed by them afresh in the light of the order passed by the Supreme Court in SLP (Civil) NO.14750 of 1996 in Civil Appeal No.2041 of 1997 dated 18.3.1997.

Heard learned counsel for the petitioners and Smt. Bhaskara Lakshmi, learned

counsel for respondents 2 and 3.

It is not in dispute that all the O.Ps. are pertaining to Sathanikota village and Chabolu village. As per the annexure filed along with the report submitted by the District and Sessions Judge, Kurnool in dis.No.5319/Estt/2005 dated 11.8.2005, the Presiding Officer disposed of the O.Ps of Sathanikota village covered by Award No.2/80 dated 11.2.1992 and the O.Ps of Chabolu village Hamlet of Ganapuram village on 25.11.1992, 2.12.1992, 11.12.1992, 10.12.1992 and 8.2.1995. The O.P.Nos.2034 and 4901 of 1991 covered by the award No.30 of 1979 of Chabolu village were disposed of afresh in the light of the directions issued by the Supreme Court on 17.3.1998. On disposal of the applications by the reference Court, copy applications were filed for issuance of certified copy of the judgment and decree, which were returned with an endorsement that 'the suit registers and records were not available', and appears to have been seized on initiation of disciplinary proceedings against the Presiding officer, who disposed of the O.Ps and who subsequently died. Aggrieved by non-furnishing of the certified copies of the judgment and decree, the claimants filed W.P.No.24691 of 1995 before this Court, which was disposed of directing the respondents 2 and 3 to issue certified copies of the judgment passed in the said O.Ps., which led to filing of C.C.No.480/1996. Meanwhile, on filing of Writ Appeal No.737 of 1996 the proceedings were stayed. Later, the said Writ Appeal was referred to a Larger Bench. Questioning the same, the claimants/writ petitioners filed Special Leave Petition before the Supreme Court. The Supreme Court by order dated 18.3.1997 in Civil Appeal No.2041 of 1997 terminated all the judicial proceedings in Writ Petition, Contempt Case and Writ Appeal while directing fresh adjudication in respect of the compensation awardable to the claimants under various awards, which are the subject matter of acquisition in Chabolu village hamlet of Ghanapuram of Kurnool District. It is the grievance of the petitioners that in spite of the said direction, the reference Court has not adjudicated the said matter and it is still pending.

Learned counsel for the petitioner contends that the claimants in the above O.Ps of Sathanikota, though not covered by the Supreme Court order, yet they are similarly situated persons and their O.Ps. have to be adjudicated. Since they have already been adjudicated, and if the petitioners were not furnished the copies of the award passed, they are entitled to be furnished with the certified copies of the award and decree passed in the said O.Ps., for enabling them to take appropriate action for due

recovery of compensation.

Smt. Bhaskara Lakshmi, learned counsel for the respondents 2 and 3 filed a statement stating that in L.A.O.P.Nos.2031, 2037, 2030, 2038, 2039 and 2041 of 1991, which were pertaining to Chabolu village hamlet of Ganapuram village are still pending for adjudication before the lower court, and O.P.Nos.4198, 741, 587,2040, 2032 and 2035 of 1991 have been settled by the Lok Adalat on 11.12.1992, 10.12.1992, 8.2.1995 and 2.12.1992 respectively. Apart from that O.P.Nos.2034 and 4901 of 1991 have been disposed of afresh on 17.3.1998. In view of the same, O.Ps of Chabolu village hamlet of Ganapuram village, still pending, will have to be adjudicated afresh in the light of the Supreme Court orders.

Having regard to the fact that the reference Court is under obligation to dispose of the O.Ps. of Chabolu village, which are still pending on its file, and has to readjudicate the same in the light of the order passed by the Supreme Court in Civil Appeal No.2041 and 2042 of 1997, a direction shall be issued directing the reference Court to readjudicate the above O.Ps., as expeditiously as possible, preferably within a period of three months. If the claim petition and award copies, which were seized earlier on initiation of disciplinary proceedings, are not available or not returned, it is open for the reference Court to reconstruct the same and can dispose of the said O.Ps., within the time frame as referred to hereinabove.

The Writ Petition is accordingly disposed of. No costs.

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A. Gopal Reddy, J.

23rd January, 2006

Js.